

**ZB# 94-37**

**Cynthia Zeeb**

**9-1-85**

Prelim.

Sept. 26, 1994.

Need copy:

① Need 4

② ~~File kept~~

③ Photos 4

④ Fees: ① 50.00

② 252.50

Letters out - 12/9/94 4

Motion to Suspend H.

Public Hearing:

Jan. 9, 1995

Area variance

Granted

Refund \$194.00.

#<sup>94-31</sup> Zeeb, Cynthia / Truncali, Peter  
Area - (9-1-85)



46 River Rd.  
N.W.



#46 River Road  
N.W.

H6 River Rd.  
N.W.

# H6 River Road  
N.W.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12550

## GENERAL RECEIPT

December 1, 1994 <sup>14378</sup>

Received of Cynthia Zeel

\$ 50.00

Fifty 00/100 DOLLARS

For ZBA # 94-37

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>Ch # 1163</u>		<u>50.00</u>

By Dorothy H. Hansen  
sh

Town Clerk

Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Zeb, Cynthia

FILE # 94-37

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE . . . . . \$ 50.00

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 300.00

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE	9/26/94: 4 pages	\$	18.00
2ND PRELIM. MEETING - PER PAGE	1/9/95: 4 "	\$	18.00
3RD PRELIM. MEETING - PER PAGE		\$	
PUBLIC HEARING - PER PAGE		\$	
PUBLIC HEARING (CONT'D) PER PAGE		\$	
TOTAL		\$	<u>36.00</u>

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING-	HRS.	35.00	9/26/94	\$	35.00
2ND PRELIM.	HRS.	35.00	1/9/95	\$	35.00
3RD PRELIM.	HRS.			\$	
PUBLIC HEARING	HRS.			\$	
PUBLIC HEARING	HRS.	(CONT'D)		\$	
TOTAL HRS.		@ \$	PER HR.	\$	
TOTAL				\$	<u>70.00</u>

MISC. CHARGES:

\_\_\_\_\_ TOTAL . . . . . \$ 106.00

LESS ESCROW DEPOSIT . . .	\$	300.00
(ADDL. CHARGES DUE) . . .	\$	
REFUND TO APPLICANT DUE .	\$	<u>194.00</u>

Refund.

(ZBA DISK#7-012192.FEE)

-----X  
In the Matter of the Application of

CYNTHIA ZEEB,

DECISION GRANTING  
AREA VARIANCE#94-37.  
-----X

WHEREAS, CYNTHIA ZEEB, 46 River Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 6 ft. side yard variance to allow an existing 10 ft. x 10 ft. carport, located at the above address in a PI zone; and

WHEREAS, a public hearing was held on the 9th day of January, 1995, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared before the Board for this proposal; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke and there was no opposition to the application before the Board; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The property is located in a PI (Planned Industrial) neighborhood consisting mostly of single-family residences in the immediate area.

(b) The property had a carport with a roof when applicant purchased the property but the roof was in a state of disrepair and needed to be replaced. Applicant merely replaced the existing roof on the structure.

(c) The carport provides a shield from inclement weather for applicant's vehicle.

(d) The structure for which the variance is sought, i.e. a carport, is consistent with the neighborhood. Many of applicant's neighbors park their vehicles either in their driveway, to the rear of their residences or in the empty field next door.

(e) Since applicant shares a common driveway with the next door neighbor, she would necessarily have to apply for a variance in any event in order to keep the carport in its present

location.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties since the carport was a pre-existing structure before applicant purchased the property.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variance is substantial in relation to the town regulations but nevertheless is warranted because applicant had to repair the structure which pre-existed her occupancy since it was in a dangerous state of disrepair.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created hardship. The difficulty may have been created by a prior owner but at the present time applicant is proposing to alleviate what could be a hazardous situation.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variance is the minimum variance necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

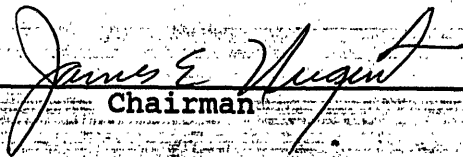
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a 6 ft. side yard variance to allow replacement of an existing carport at 46 River Road in a PI zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: April 10, 1995.

  
Chairman

(ZBA DISK#13-032895.CZ)



Pls. publish immediately. Send bill to applicant at below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 37

Request of CYNTHIA ZEEB

for a VARIANCE of the Zoning Local Law to permit:

(Building permit): FOR EXISTING 10ft x 10ft  
CAR PORT ON INSUFFICIENT YARD SET-BACK;  
being a VARIANCE of Section 48-14-A(B) - Supplementary  
Yard Regs.;

for property situated as follows:

46 River Rd New Windsor, N.Y

known as tax lot Section 9 Block 1 Lot 85.

SAID HEARING will take place on the 9th day of January,  
1995, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.

January 9, 1995

4 = 18.00

30

PUBLIC HEARING

ZEEB, CYNTHIA

MR. NUGENT: Request for 6 ft. side yard variance to allow existing 10 x 10 ft. carport at 46 River Road in PI zone. Nobody is present in the audience for this public hearing.

MR. KRIEGER: There's nobody in the audience who's indicated a desire to speak on this matter.

Cynthia Zeeb appeared before the board for this proposal.

MS. ZEEB: May I ask who made this?

MR. BABCOCK: January 1, 1966, that is basically when the Town Board made rules, made zoning.

MR. LANGANKE: Which are based on state guidelines.

MR. TORLEY: You have your property and somebody wants to put a toxic waste site next to it.

MS. ZEEB: In 1982, I bought the house, it had this pre-existing, it's a basic little carport that is what I use it for, I guess the people used for a little barbecue place or something before. I did not go. I added nothing to it, except putting a roof on it on the pre-existing because the roof was starting to come off and that is it. I mean I didn't enlarge it.

MR. KRIEGER: You simply replaced the roof?

MS. ZEEB: I simply replaced it.

MR. KANE: Why did this come up for a varaince?

MS. ZEEB: Well, because I was in partnership with another person until October of last year and I bought the other half of the property from this person, went through a bank refinance, here it is.

MR. KANE: Michael, the first time it came through it didn't show as maybe because the bank didn't need anything?

MR. BABCOCK: When did you first purchase it?

MS. ZEEB: We purchased it through the people who owned it.

MR. BABCOCK: Then they didn't go through a bank.

MR. KANE: Therefore, you weren't called in for an inspection?

MR. BABCOCK: Right.

MR. KRIEGER: Is the neighborhood that you are in also one-family houses?

MS. ZEEB: Yes.

MR. NUGENT: Except across the street.

MR. KRIEGER: Do any of them have carports or parking facilities off street for cars?

MS. ZEEB: The house next door to me is one home, the other side is like a big empty field, those people park on the outside of the house, these people next door to me park behind their house. We have never had any problems or anything. The part that is in question here is the one facing the empty field so it is not the one facing the house I believe I have pictures here.

MR. KRIEGER: How much, Mike, how much side yard is required here?

MR. BABCOCK: Ten feet.

MR. KRIEGER: And they have four?

MR. BABCOCK: That is correct.

MR. KRIEGER: It doesn't have any impact on the other zoning requirements?

MR. BABCOCK: That is correct.

MR. KRIEGER: Just this one.

MR. KANE: If they attempted to put up a garage or something like that, they'd still need a side variance.

MR. BABCOCK: That is correct.

MR. KANE: And it wouldn't be economically feasible to put it anyplace else on the property?

MR. BABCOCK: Well, it's already there, it's already existing.

MR. KRIEGER: It existed when you bought the property?

MS. ZEEB: Yeah.

MR. KRIEGER: Okay.

MR. LANGANKE: I make a motion that we grant Cynthia Zeeb the requested application for the 6 foot side yard variance.

MR. KANE: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

MR. KANE: I make a motion we adjourn.

MR. LANGANKE: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE

January 9, 1995

33

MR. LANGANKE

AYE

MR. NUGENT

AYE

Respectfully Submitted By:

*Frances Roth*  
1/23/95

Frances Roth  
Stenographer

*Prelim.*  
*Sept. 26, 1994*  
*94-37.*

OFFICE OF THE BUILDING INSPECTOR — TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: AUGUST 31, 1994

APPLICANT: CYNTHIA ZEEB  
46 RIVER ROAD  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: AUGUST 31, 1994  
FOR (BUILDING PERMIT): FOR EXISTING 10FT. X 10FT. CAR PORT  
LOCATED AT: 46 RIVER ROAD

ZONE: PI

DESCRIPTION OF EXISTING SITE: SECTION: 9, BLOCK: 1, LOT: 85  
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK.

*[Signature]*  
\_\_\_\_\_  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE: PI            USE 48-14-A-(b)

MIN. LOT AREA

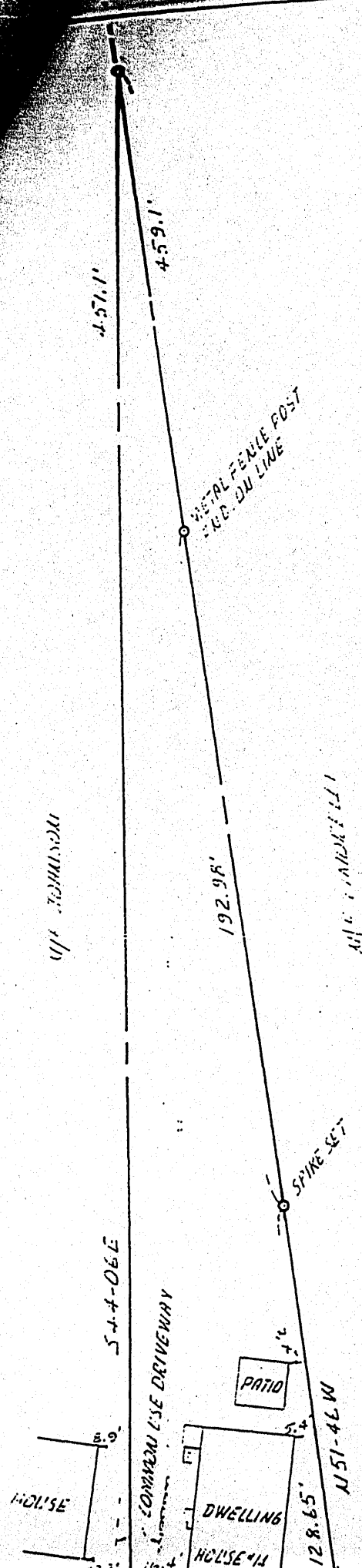
MIN. LOT WIDTH

REQ'D FRONT YD

REQ'D SIDE YD      10FT.                      4FT.                      6FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.



NOTES:

1. NEITHER THE ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 1209(2) OF THE NEW YORK STATE EDUCATION LAW.

2. COPIES OF THIS SURVEY MAP NOT HAVING THE ORIGINAL INK OR EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

3. GUARANTEES OR CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4. TAX MAP SECTION 9-BLOCK 1-LOT 85.

SURVEY FOR

PETER J. TRUNCALI

CYNTHIA R. ZEEB

TOWN OF NEW WINDSOR - DEFAUZE CO. - NEW YORK

SCALE: 1" = 40'

DATE: 16 FEB. 1982

JCE NO.: 82-11

ANTHONY D. VALDINA  
REGISTERED LAND SURVEYOR  
7 PIERPONT AVE.  
NEWBURGH, N.Y.



NOTES:

1. NEITHER THE ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

2. COPIES OF THIS SURVEY MAP NOT HAVING THE ORIGINAL INK OR EMBOSSED SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

3. GUARANTEES OR CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4. TAX MAP SECTION 9-BLOCK 1-LOT 85.

SURVEY FOR

PETER J. TRUNCALI  
CYNTHIA R. ZEEB

TOWN OF NEW WINDSOR - TOWN OF NEW YORK

SCALE: 1" = 40'

DATE: 16 FEB. 1982

JOB NO.: 82-11

ANTHONY D. VALDINA

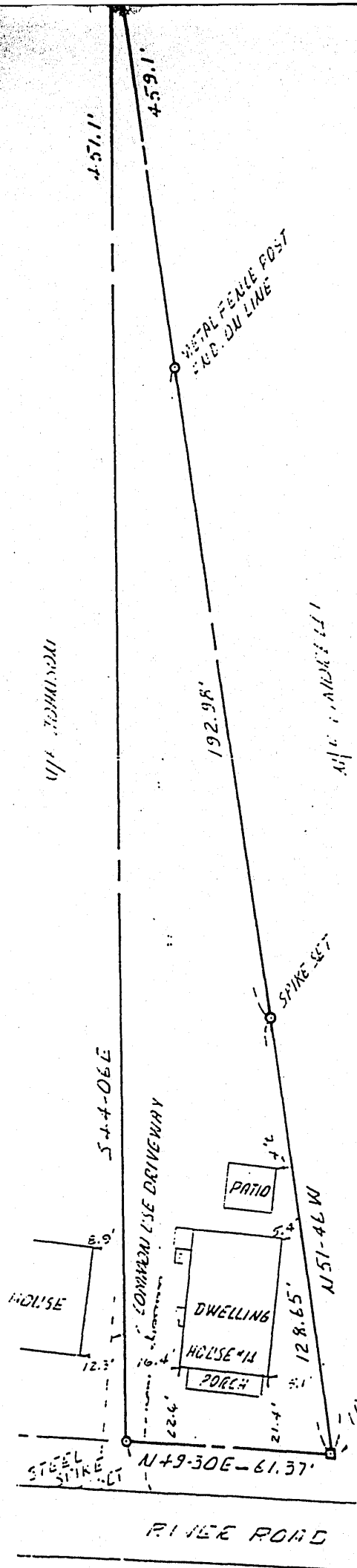
REGISTERED LAND SURVEYOR

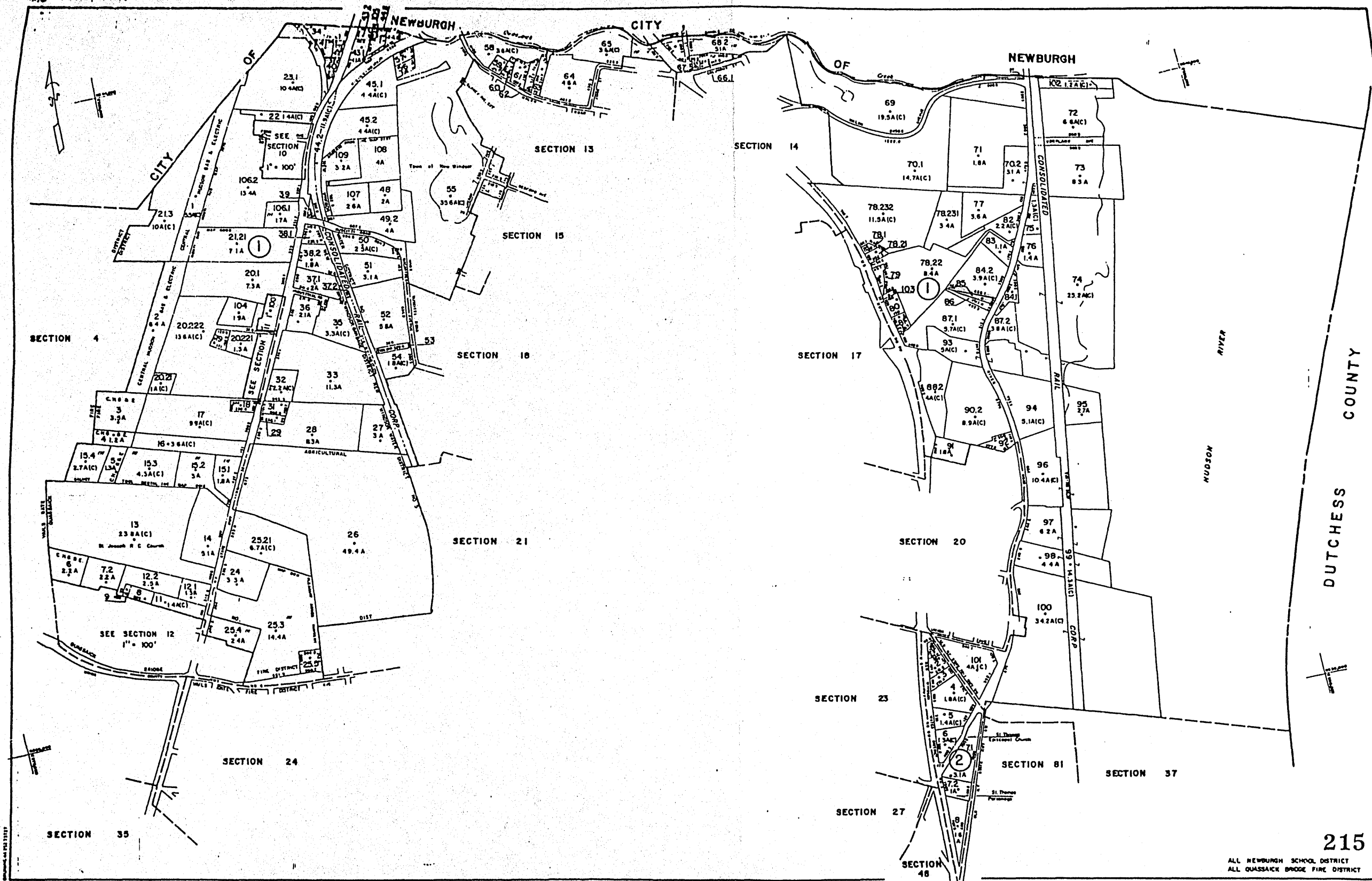
7 PIERPONT AVE.  
NEWBURGH, N.Y.

N.Y.S. LIC. NO. - 49120

CERTIFICATION:

CERTIFIED CORRECT TO THE  
LAW OF THE INSURANCE  
COMPANY, AND PETER J.  
TRUNCALI & CYNTHIA R. ZEEB  
FIELD FIELD & FIELD  
DATE ON FEBRUARY 11, 1982.





215

ALL NEWBURGH SCHOOL DISTRICT  
ALL QUASSACK BROOK FIRE DISTRICT

Prepared by  
ORANGE CO. TAX MAP DEPT.  
MAIN ST., GOSHEN, N. Y. 10924  
1989  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE LINE	BASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK OR SECTION LINE	MATCH LINE	AREA (SQUARED FEET OR ACRES)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAM	QUASSACK BROOK (SQUARED FEET OR ACRES)	COUNTY HIGHWAYS
PROPERTY LINE	AND COORDINATE CENTRO	TOWN ROADS	TOWN ROADS

ORANGE COUNTY-NEW YORK  
Photo No. 8-498,497,498 13-15 Date of Map: 9-24-87  
Date of Photo: 3-1-85 Date of Revision: 3-1-91  
Scale: 1" = 400'

TOWN OF NEW WINDSOR  
Section No. 9



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

1763

12

November 21, 1994

Cynthia Zeeb  
46 River Road  
New Windsor, NY 12553

Re: Tax Map Parcel #9-1-85

Dear Ms. Zeeb:

According to our our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00, which you have already paid in the form of a deposit.

Sincerely,

*Leslie Cook/co*

LESLIE COOK  
Sole Assessor

LC/co

Attachment

cc: Pat Barnhart

Walter Kroll Inc.  
1195 Union Ave.  
New Windsor, NY 12553

Halmar Corporation The  
160 West Lincoln Ave.  
Mt. Vernon, NY 10550

Plotkin, David  
c/o Steel Style Inc.  
401 South Water St.  
Newburgh, NY 12550

Robert Arms Assoc.  
c/o Gerald H. Markowitz  
90 North Central Avenue  
Hartsdale, NY 10530

The Comic Strip Club Inc.  
c/o Rosebud's Food-N-Drink  
PO Box 4288  
New Windsor, NY 12553

The Comic Strip Club Inc.  
c/o Philip Gambelli  
290 Route 9W  
New Windsor, NY 12553

Parrone, Donald J.  
63 Dix Ave.  
Newburgh, NY 12550

Cimorelli, Michael J. & Anthony Jr.  
Cimorelli Bros.  
41 River Road  
New Windsor, NY 12553

Cimorelli, Anthony S. & Elvira  
40 River Road  
New Windsor, NY 12553

Johnson, Leroy W. & Evelyn  
48 River Road  
New Windsor, NY 12553

Sun Refining & Marketing Co.  
Attn: Tax Dept  
10 Penn Center  
1801 Market St.  
Philadelphia, PA 19103

Consolidated Rail Corp.  
Property Tax Dept.  
PO Box 8499  
Philadelphia, PA 19101

~~MR. CYNTHIA~~

MR. NUGENT: Request for 6 ft. side yard to allow existing 10 x 10 ft. carport located at 46 River Road in PI zone.

Mr. Peter Truncali appeared before the board for this proposal.

MR. NUGENT: Just tell us, show us what you're going to do.

MR. TRUNCALI: This is an existing structure, you know, before the house was purchased and what happened was we had to obtain a C.O. on it and it doesn't meet the building inspector's requirements as far as the property on setback.

MR. NUGENT: Where is the carport?

MR. BABCOCK: Where it says patio.

MR. TRUNCALI: Some improvements were done and as far as the improvements, they had it written down as patio.

MR. NUGENT: It's a real odd shaped lot.

MR. KANE: Which side is the entrance to this?

MR. TRUNCALI: In this way.

MR. BABCOCK: See where it says common used driveway?

MR. LANGANKE: Okay.

MR. NUGENT: Common driveway you and the next door neighbor?

MR. TRUNCALI: Yes.

MR. KANE: So Mike, even if they were to build some kind of garage, they'd still need some kind of variance no matter what?

MR. BABCOCK: That is correct, ten feet the patio

concrete slab would be considered landscaping but they put a roof on it and made it a carport.

MR. KANE: Even without that, if they wanted to put a garage on the property, they'd still need a variance?

MR. BABCOCK: That is correct.

MR. LANGANKE: What if they call it a cabana?

MR. BABCOCK: Still needs to be ten feet. Any accessory structure.

MR. NUGENT: Then becomes an accessory structure, if they left just a slab, they wouldn't have to do anything. He wants to put a roof on it and that changes it.

MR. LANGANKE: You might want to think about that.

MR. TRUNCALI: Roof had been on there before. All we did is improve it but there had been at the time now your bank wants certificate of occupancy.

MR. LANGANKE: Did you just buy it?

MR. TRUNCALI: No, this is from 1982 that structure was there. They had a patio because they didn't used to put a car under it but as far as the slab, roof and everything else that was already existing.

MR. LANGANKE: How come it's a problem now?

MR. TRUNCALI: I really don't know.

MR. KANE: Because it becomes a violation because of the roof.

MR. NUGENT: Are you refinancing the house?

MR. TRUNCALI: Yes.

MR. KANE: It shows up as a violation.

MR. TRUNCALI: We had no idea. And I even called the

insurance company and said how come? Well, it was a simple title, forget it. That is how we came before upon this problem.

MR. LANGANKE: That has been there since 1982?

MR. TRUNCALI: Yes.

MR. LANGANKE: Nobody has ever complained about it?

MR. TRUNCALI: No. The only difference was there was not a car being put underneath it. There's a little ramp there for a car. We refurbished the roof and improved the structure but the roof had been there.

MR. NUGENT: I'll accept a motion.

MR. KANE: I move that we set up Cynthia Zeeb up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. TORLEY: Sir, are you also owner of record of the property?

MR. TRUNCALI: Yes, at this time I am.

MR. LANGANKE: How far down the road are you?

MR. NUGENT: Right across from Sun Oil.

MR. TRUNCALI: It's zoned industrial. We're considered residential but it's all residential.

MR. KRIEGER: When you come back, if you would take this, if you would address yourself to the criteria there. Those are the criteria on which the Zoning Board must decide your application. You have the title

to your house?

MR. TRUNCALI: Yes.

MR. KRIEGER: If you would bring us that or bring us a copy of that so we can look at it, I would appreciate it.

MR. TRUNCALI: There's supposed to be a closing being done by the fourth of October, I believe, as far as the bank is going to give me an extension on a C.O. if it has to come down, it will come down, that is all.

MR. KRIEGER: The Zoning Board cannot by law decide your application without holding a public hearing first. It's not a choice they have. How soon that public hearing will be held will depend in large part on when you get the paperwork in to the secretary. Now until those provisions can be complied with, the Zoning Board cannot now schedule a public hearing and it can't be done until after that network is completed. So neither I nor anybody else can tell you exactly when that is likely to occur.

MR. TRUNCALI: You also need Cynthia to be at the meeting?

MR. NUGENT: He's co-owner so it doesn't matter.

MR. TRUNCALI: This just has to be filled out?

MR. NUGENT: Bring some photographs of the building structure so I can see how it's laid on the property. You're all set, thank you.

MR. TRUNCALI: Thank you.



In the Matter of Application for Variance of

Applicant.

#9437.

On December 9, 1994., I compared the 12 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Deborah Allen  
Notary Public

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 94-37

Date: 10/25/94

I. ✓ Applicant Information:

- (a) CYNTHIA ZEEB-46 River Rd-N.W. 562-4030 X  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) \_\_\_\_\_  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ( ) Use Variance ( ) Sign Variance
- (X) Area Variance ( ) Interpretation

III. ✓ Property Information:

- (a) PF 46 River Rd-New Windsor 9185  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? Industrial
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 10/4/94
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO  
If so, when? \_\_\_\_\_
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<sup>N/A</sup>  
 (b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12 Table of 4 Use/Bulk Regs., Col. EA (B) and Sec. 48-14. A(b). - Supp. Yard Regs.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10 ft</u>	<u>4 ft</u>	<u>6 ft</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

CARPORT WAS BUILT WHEN HOUSE WAS PURCHASED IN 1982  
NO CO WAS NEEDED THEN. NO NEW STRUCTURE HAS BEEN ADDED  
NOR ADDITION AND IT IS ONLY THE ROOF THAT IS LONGER THAN  
ACTUAL CARPORT. ALSO THE VARIANCE IS FACING AN UNOCCUPIED  
LOT.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

*N/A*  
 (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

---



---



---



---



---

*N/A*  
 (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

---



---

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

---



---



---



---



---

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

It will be kept in good repair

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 12/1/94

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Cynthia R. Zuo  
(applicant)

Sworn to before me this

1st day of December, 1994.

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1995

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC  
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF  
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

Peter J. Truncali  
Cynthia R Zeeb  
TO  
Cynthia R Zeeb

SECTION 9 BLOCK 1 LOT 85

RECORD AND RETURN TO:  
(Name and Address)

Cynthia R Zeeb  
46 River Road  
New Windsor, NY 12553

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62248 DATE 10-4-94 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED / MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER       

BG20 Blooming Grove         
CH22 Chester         
CO24 Cornwall         
CR26 Cawlord         
DP28 Deerpark         
GO30 Goshen         
GR32 Greenville         
HA34 Hamplonburgh         
HI36 Highlands         
MK38 Minisink         
ME40 Monroe         
MY42 Montgomery         
MH44 Mount Hope         
NT46 Newburgh (T)         
NW48 New Windsor   /    
TU50 Tuxedo         
WL52 Wallkill         
WK54 Warwick         
WA56 Wawayanda         
WO58 Woodbury         
MN09 Middletown         
NC11 Newburgh         
PJ13 Port Jervis         
9999 Hold       

SERIAL NO.       

Mortgage Amount \$       

Exempt Yes        No       

3-6 Cooking Units Yes        No       

Received Tax on above Mortgage

Basic \$       

MTA \$       

Spec. Add. \$       

TOTAL \$       

CHECK / CASH        CHARGE       

MORTGAGE TAX \$       

TRANSFER TAX \$ 40<sup>00</sup>

ED. FUND \$ 5.00

RECORD. FEE \$ 140<sup>00</sup>(3)

REPORT FORMS \$ 30<sup>00</sup>

CERT. COPIES \$       

JOAN A. MACCHI  
Orange County Clerk

by: C. Repetto

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on OCT 18 1994

at 9:39 O'Clock A M.

In Libor/Film 4124 deeds

at page 290 and examined.

County Clerk

RECEIVED

40<sup>00</sup>

REAL ESTATE

OCT 18 1994

TRANSFER TAX  
ORANGE COUNTY

ORG 10/18/94 09:39:32 48253 44.00

\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*

DEED CONTROL NO: 62248 40.00 \*

\*\*\*\*\* SERIAL NUMBER: 002339 \*\*\*\*\*



THIS INDENTURE, made the  
BETWEEN

4<sup>th</sup> day of October, nineteen hundred and NINETY-FOUR

Peter J. Truncali  
14 Pleasant View Ave.  
Newburgh, NY 12550  
party of the first part, and

Cynthia R. Zeeb  
46 River Road  
New Windsor, NY 12553

Cynthia R. Zeeb  
46 River Road  
New Windsor, NY 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

~~ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the~~

SEE ANNEXED "SCHEDULE A"

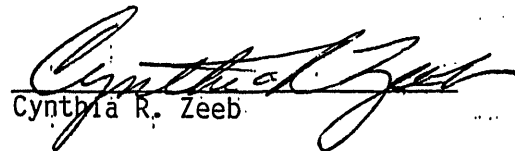
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
Peter J. Truncali

  
Cynthia R. Zeeb



**Bargain and Sale Deed**

WITHOUT COVENANT AGAINST GRANTOR'S ACTS

**Title No.**

Peter J. Truncali  
Cynthia R. Zeeb

TO

Cynthia R. Zeeb

SECTION

BLOCK

LOT

COUNTY OR TOWN Orange County

RETURN BY MAIL TO:

Klein & Genova  
302 North Street  
Newburgh, New York 12550

Zip No.

Leave space for use of Recording Office.

LIBER 4124 PAGE 292

"Schedule A"

Town of New Windsor, County of Orange and state of New York,  
bounded and described as follows:

**BEGINNING** at the concrete monument and iron pipe in the westerly side of River Road at the corner of lands of Michael Cimorelli and running thence along lands of Cimorelli, North 51 degrees 46 minutes West 459.1 feet to a point in said line; thence through lands of Yannone passing south of a garage upon said premises, south 44 degrees 6 minutes East 451.1 feet to a point in the westerly line of River Road; thence along the westerly line of River Road North 49 degrees 30 minutes East 61.37 feet to the point or place of beginning. All courses are magnetic as of July, 1953.

**TOGETHER** with the right to run with the land forever to continue the use of the ditch for the purpose of carrying the overflow from said spring on an across the lands adjoining on the south as the same now exists.

**TOGETHER** with the right to use a water line which connects to the water main at a point in front of the premises adjoining on the south and right to enter upon the premises adjoining on the south for the purpose of repair and maintenance of that portion of the water line that serves the premises hereinabove described which right is to run forever with the land.

**SUBJECT** to and together with the right to use in common with the owners of the premises on the south the common driveway which runs along the southerly side of the herein described premises from the westerly line of River Road in a northwesterly direction to the garage upon the premises herein conveyed.

**BEING** the same premises as described in that certain deed dated August 31st, 1981, made by Grace E. (Bulson) Roggendorf to Grace E. (Bulson) Roggendorf and Emil Roggendorf, husband and wife, and recorded in the Orange County Clerk's Office on September 1st, 1981 in Liber 2202 of Deeds at Page 624.